

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11cv511**

RHAE JOHNSON,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
THE SUNSHINE HOUSE, INC.,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the court on review of pro se plaintiff's "Response to Magistrate Order" (#48), which appears to be an objection to the non-dispositive Order (#47) entered by Judge David C. Keesler, United States Magistrate Judge, the day before such objection was filed. The Order of the magistrate judge simply denies the plaintiff's Motion to Quash (#42) and requires the parties to file proposed revisions to the Pretrial order on or before November 20, 2012. In this court's most recent Order overruling plaintiff's objections to a favorable M&R, the undersigned stated:

Plaintiff is now clearly and explicitly warned that the consequences of further failures to obey court orders, failure to attend her deposition, or failure to provide properly requested discovery, could result in the imposition of sanctions, including dismissal of her case with prejudice.

Order (#46), at 4.

In considering plaintiff's response as an objection, this court has the authority to assign non-dispositive pretrial matters pending before it to a magistrate judge to "hear and determine." 28 U.S.C. § 636(b)(1)(A). When reviewing an objection to a magistrate judge's order on a non-dispositive matter, the district court must set aside or modify any portion of that order which is clearly erroneous or contrary to law. Fed.R.Civ.P. 72(a). To show that

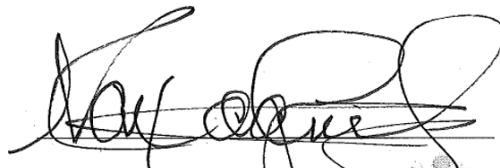
a magistrate judge's order is contrary to law, the objecting party must show that the magistrate judge failed to apply or misapplied statutes, case law, or procedural rules. See Catskill Dev. LLC v. Park Place Entm't Corp., 206 F.R.D. 78, 86 (S.D.N.Y.2002).

The court has carefully reviewed the challenged Order (#47) as well as the objection, and has determined that the Order of the magistrate judge is fully consistent with and supported by current law. Indeed, such determinations are fully consistent with current law as it is well within the authority of a United States Magistrate Judge to amend the Pretrial Order as he sees fit and to require plaintiff to attend her own deposition. Fed.R.Civ.P. 16 & 26. Based on such determination, the court will overrule the objection and fully affirm the Order.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Objection (#48) is **OVERRULED**, and the Order (#47) is **AFFIRMED**.

Signed: November 13, 2012



Max O. Cogburn Jr.
United States District Judge